

Atty Alabart, Javier A. (for Petitioner Alfredo Banda Arriaga, father)
 Atty Fanucchi, Edward L. (for Respondent Maria Luisa Sanchez, purported spouse)
 Atty Kruthers, Heather H. (for Public Administrator, Administrator of the Estate)

Probate Status Hearing Re: Settlement Agreement Filed

DOD: 5/14/2004	ALFREDO BANDA ARRIAGA , father, filed a <i>Petition for Preliminary Distribution of Decedent Estate Assets</i> on 10/2/2013, requesting an order for a preliminary distribution of the estate assets, representing that the Petitioner is the sole-surviving parent of the Decedent, and the sole-surviving devisee of the Will signed by the Decedent on 10/16/1997.	NEEDS/PROBLEMS/COMMENTS:
		Continued from 8/4/2014. Minute Order states the Court orders Attorney Alabart to be personally present in Court with the stipulation and explain any disagreement he may have. Clerk's Certificate of Mailing shows a copy of the Minute Order dated 8/4/2014 was mailed to Attorney Alabart on 8/4/2014.
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Order	<p>MARIA LUISA SANCHEZ, purported spouse, filed an <i>Opposition to Alfredo Banda Arriaga's Petition for Preliminary Distribution of Decedent Estate Assets</i> on 10/25/2013, representing that this Court ruled 6 years ago that distribution of the estate is controlled by the decree of the Mexican court finding that Ms. Sanchez is the sole heir to the Decedent's estate.</p> <p>Order on Arriaga's Petition for Preliminary Distribution of Decedent's Estate's Assets filed on 1/24/2014 denies Arriaga's Petition and declines to distribute further assets to Sanchez. The Order concludes:</p> <ul style="list-style-type: none"> Court has expressly found that two issues remain to be tried as to the parties' relative claims to the estate: (1) whether Arriaga's challenge to the orders in Sanchez' favor are untimely and barred; or (2) whether Sanchez' challenge to the estate's distribution was untimely, void and barred; These two issues depend on disputed issues of fact: (1) the address of Arriaga and his wife before and after the time of the filing of the <i>Petition for Probate</i>; (2) the Arriagas' contact, direct or indirect, with the Public Administrator who provided notice of the Petition; and (3) Arriagas' knowledge of the ongoing probate. Also to be tried is the validity of the order for preliminary distribution to Sanchez, as set forth by the Court in its last order dated 8/21/2013. 	<p>1. Need settlement agreement from Attorney Alabart.</p> <p>Notes for Background:</p> <ul style="list-style-type: none"> Minute Order dated 7/7/2014 states counsel reports that changes have been made to the order. "Order for Settlement and Release" was submitted by Attorney Fanucchi with a runner's tag dated 7/8/2014. Minute Order dated 4/22/2014 from the Settlement Conference states the Court signs Order Appointing Court Approved Reporter as Official Reporter Pro Tempore. Clients are not present in court. Agreement stated in open court and is on record. Mr. Alabart will prepare the settlement agreement. Status hearing set for 6/6/2014 can come off if agreement filed. The Court Trial date of 6/2/2014 is vacated. PUBLIC ADMINISTRATOR'S Amended First and Final Account of the Public Administrator was approved on 6/25/2012 via <i>Order After Hearing Settling Amended First and Final Account, etc.</i>, finding that after payment of commissions, fees and costs in the amount of \$19,643.43, there will be \$89,703.10 to distribute upon further Court order regarding entitlement to final distribution. (Note: Sum of \$90,226.70 was subsequently stated by the Court as the balance of the estate; a difference of \$523.60.)
Aff. Post		Reviewed by: LEG
Status Rpt		Reviewed on: 8/13/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 1 – Banda-Nieto

Status Report filed by Attorney Fanucchi on 8/1/2014 for the previous status hearing states [brief sum]:

On 4/22/2014, the parties entered into a stipulation for settlement to be prepared by Mr. Alabart; when he did not, counsel herein prepared a Mutual Stipulation and sent it to Mr. Alabart for approval and that of his client; Mr. Alabart would not approve the Stipulation, so counsel prepared an Order for Settlement and Release which was approved by Mr. Alabart and sent to the Court on 7/8/2014; as of [7/31/2014], Mr. Alabart has not provided to counsel the signature of Mr. Arriaga, and calls and emails to Mr. Alabart have not been returned to counsel; the Court is requested to approve the Order for Settlement and Release submitted on 7/8/2014, under its powers of retained jurisdiction per CCP § 664.6.

Note: Text of West's Ann. Cal. C. C. P. § 664.6. Entry of judgment pursuant to terms of stipulation for settlement: If parties to pending litigation stipulate, in a writing signed by the parties outside the presence of the court or orally before the court, for settlement of the case, or part thereof, the court, upon motion, may enter judgment pursuant to the terms of the settlement. If requested by the parties, the court may retain jurisdiction over the parties to enforce the settlement until performance in full of the terms of the settlement. Credits (Added by Stats.1981, c. 904, p. 3437, § 2. Amended by Stats.1993, c. 768 (S.B.252), § 1; Stats.1994, c. 587 (A.B.3600), § 7.)

Petition for First and Final Account and Report of Administratrix, Petition for Settlement, for Allowance of Attorney Fees and Costs, for Waiver of Commission, and for Final Distribution; (Prob. C. 11623)

DOD: 10/01/08	JO ANN SORIA , Administrator with will annexed, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: See Page 4 for a related Estate of Gloria Lucchesi.
	Account period: 11/10/10 – 06/18/14		
Cont. from	Accounting - \$400,000.00		<ol style="list-style-type: none"> The Petition requests distribution of ¼ of the property to Anita Lucchesi, daughter of post deceased daughter, Gloria Lucchesi. However, since Gloria died after the decedent, Gloria's ¼ interest should pass to her estate and does not pass directly to Gloria's daughter. Need Amended Petition and Order. The Petition indicates that there is ongoing litigation to which Petitioner, as Administrator of this estate is a party. Therefore it does not appear that this estate is in a position to be closed at this time due to the estate's involvement in ongoing litigation.
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$400,000.00		
<input checked="" type="checkbox"/> Verified	Ending POH - \$400,000.00		
<input checked="" type="checkbox"/> Inventory	Administrator - waived		
<input checked="" type="checkbox"/> PTC	Attorney Bortolussi - \$800.00 (less than statutory based on time spent on the administration)		
<input checked="" type="checkbox"/> Not.Cred.	Attorney Bortolussi costs- \$496.50 (filing fees, certified copies, recording fees)		
<input checked="" type="checkbox"/> Notice of Hrg	Attorney Fanucchi costs- \$2,262.50 (to be paid by Petitioner outside of the probate estate for filing fees, publication, certified copies, probate referee)		
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Petitioner states that her former attorney's Quinlan, Kershaw & Fanucchi, filed a Notice of Lien for Statutory Attorneys' Fees and Reimbursement for Costs Advanced stating a lien for prior attorneys' fees had been created in the amount of \$12,127.64 calculated on the basis of a total estate of \$456,381.94. This is incorrect based on the Amended Inventory & Appraisal filed by Petitioner indicating that the total value of the estate was \$409,138.12. Petitioner has filed an Objection to the Lien and asserts that the Statutory Attorney's fees amount to \$11,227.63 rather than \$12,127.64. Petitioner states that the value of the estate assumed by Petitioner was and remains as of this accounting \$400,000.00. Petitioner alleges that such assets received by her are all the assets of the estate that have come to Petitioner's knowledge or into her possession.

Continued on Page 2

Reviewed by: JF
Reviewed on: 08/14/14
Updates:
Recommendation:
File 2 – Lucchesi

Petitioner requests approval to pay Quinlan, Kershaw & Fanucchi costs outside of probate. However, due to the massive conflict between the Estate and Mr. Fanucchi for the entirety of representation, which caused the probate to be significantly delayed, Petitioner requests that attorney's fees for Mr. Fanucchi be denied.

Petitioner states that on 06/23/14, Mr. Fanucchi filed a lawsuit against Petitioner individually and as Administrator of the Estates of Anita Lucchesi and Gloria Lucchesi, Jack Lucchesi, and Linda Hofer for Rescission, Restitution and Damages (Fresno Superior Court Case No. 14CECG01795). This lawsuit stems from the conflict of interest that caused Petitioner to seek a new attorney in the final stages of this probate.

Petitioner states that all funds in the estate were depleted during the administration by Jack Lucchesi, the former administrator, for maintenance and expenses of the real properties.

Distribution, pursuant to Decedent's Will, is to:

Jo Ann Soria	-	1/4 interest in real property
Jack Lucchesi	-	1/4 interest in real property
Linda Hofer	-	1/4 interest in real property
Anita Lucchesi	-	1/4 interest in real property

Declaration of Edward L. Fanucchi Re Request or Denial of Attorneys' Fees and Reimbursement of Costs filed 08/14/14 states:

1. Quinlan, Kershaw & Fanucchi, LLP acted as the attorney for the former executor, Jack Lucchesi and subsequently for the Petitioner/successor Administrator for the duration of the administration of the estate until Petitioner substituted in attorney Bortolussi on 05/14/14.
2. Starting in 2007, property values plummeted in the area and there was no ability to market the property, the Executor agreed that the property could not be marketed and that situation persists today with no buyers for the property. The property was the only asset of the estate and the best way to manage the estate was to hold the property in the estate under the control of one person, being the Executor. This strategy was discussed and approved by the Executor for the benefit of the beneficiaries
3. On 04/17/14, Attorney Fanucchi prepared the First and Final Account and for Final Distribution on behalf of the Administrator. As of that date, all matters to be completed in the estate had been done and the estate was in a condition to be closed.
4. On 04/23/14, the First and Final Account and for Final Distribution was mailed to attorney Bortolussi for review and execution by Jo Ann Soria, however, Ms. Soria refused to sign the Account.
5. It would appear that there would be no resolution to the dispute that developed between the Admininstratrix, Jack Lucchesi and Linda Hofer on the one hand and Mr. Fanucchi on the other hand. On 5/8/14, a substitution of attorney was executed.
6. On 7/7/14, a First and Final Account was filed on behalf of JoAnn Soria by Anton M. Bortolussi. The account requests denial of statutory attorneys' fees to Quinlan, Kershaw and Fanucchi, LLP in the amount of \$11,227.63. **Quinlan, Kershaw and Fanucchi requests that said attorney fees be paid by the beneficiaries outside of probate in that all the work in the estate had been completed prior to the time the dispute between the beneficiaries and Mr. Fanucchi.**
7. The estate had no funds to pay the legal costs to bring on and continue this estate, so they were all advanced by the law firm of the undersigned and need to be reimbursed to this law firm now, or, in the alternative, become a judgment lien on the 20 acres of realty in this estate as legally described in the Petition for Final Distribution located at 3665 N. Hayes, Fresno, CA 93723. The same is true for attorneys' fees as ordered by the Court.

Atty Lanier, Kenneth

Status Hearing Re: Filing of Final Inventory and Appraisal

<div> <div>Age:</div> <div>DOD:</div> <div></div> <div></div> <div>Cont. from</div> <div> <div>Aff.Sub.Wit.</div> <div>Verified</div> <div>Inventory</div> <div>PTC</div> <div>Not.Cred.</div> <div>Notice of Hrg</div> <div>Aff.Mail</div> <div>Aff.Pub.</div> <div>Sp.Ntc.</div> <div>Pers.Serv.</div> <div>Conf. Screen</div> <div>Letters</div> <div>Duties/Supp</div> <div>Objections</div> <div>Video Receipt</div> <div>CI Report</div> <div>9202</div> <div>Order</div> <div>Aff. Posting</div> <div>Status Rpt</div> <div>UCCJEA</div> <div>Citation</div> <div>FTB Notice</div> </div> </div>			<div>NEEDS/PROBLEMS/COMMENTS:</div> <div> <div>OFF CALENDAR.</div> <div>Calendared in error.</div> </div>		
			<div>Reviewed by: KT</div> <div>Reviewed on: 8/13/14</div> <div>Updates:</div> <div>Recommendation:</div> <div>File 3 – Lanier</div>		

Petition for First and Final Account and Report of Administratrix, Petition for Settlement, for Allowance of Attorney's Fees and Costs, for Waiver of Commission, and for Final Distribution (Prob. C. 11623)

DOD: 4/23/10		JO ANN SORIA , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. According to the petition there is a pending lawsuit involving the Administrator of this estate, Jo Ann Soria in her capacity as Administrator. Therefore it appears that the estate is not in a condition to close. 2. Petition requests that the Creditor's Claim filed by the Department of Health Care Services (DHCS) in the amount of \$74,720.18 become a lien against the estate's real property. Need agreement from DHCS to the terms of the lien prior to distribution. 3. Order does not comply with Local Rule 7.6.1F – Some portion of the contents of the order must appear on the page which the judge's signature is affixed. Need new order. For Mr. Fanucchi: 1. Declaration of Mr. Fanucchi filed on 8/17/14 is actually an objection and asks for relief. Therefore a filing fee of \$435.00 is due.
		Account period: 9/9/10 – 3/18/14	
		Accounting - \$83,750.00	
		Beginning POH - \$83,750.00	
		Ending POH - \$83,750.00	
Cont. from		Attorney Fanucchi cost - \$799.00	
<input type="checkbox"/>	Aff.Sub.Wit.	Attorney Bortolussi costs - \$799.00	
<input checked="" type="checkbox"/>	Verified	Attorney Bortolussi - \$800.00 – less than statutory based on time spent on the administration.	
<input checked="" type="checkbox"/>	Inventory	Petition states Attorney Edward Fanucchi was the estate's attorney prior to the filing of a Substitution of Attorney on 5/15/14. Attorney Fanucchi filed a Notice of Lien for Statutory Attorney Fees and Reimbursement for Costs Advanced stating a lien for prior attorney fees had been created in the amount of \$4,000.00. The rate of compensation was computed on the basis of a total estate of \$100,000.00. This is incorrect based on the Amended Inventory and Appraisal filed by Petitioner. Mr. Fanucchi's statutory amount at most would be \$3,350.00. Due to the conflict between the Estate and Mr. Fanucchi for the entirety of representation, which caused the probate to be significantly delayed, petitioner requests that attorney fees to Mr. Fanucchi be denied.	
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			Reviewed by: KT Reviewed on: 8/14/14 Updates: Recommendation: File 4 – Lucchesi

On 6/30/14 Edward Fanucchi filed against Jo Ann Soria (individually and as Administrator of the Estates of Anita Lucchesi and Gloria Lucchesi); Jack Lucchesi; Linda Hofer; and Does 1 through 100, a Complaint for Rescission, Restitution and Damages with the Fresno Superior Court, case no. 14CECG01795. This lawsuit stems from the conflict of interest issue that cause the Petitioner to seek new counsel in the final stages of the probate.

Petitioner further states there was a Creditor's Claim filed by the Department of Health Care Services in the amount of \$74,720.18. There are not sufficient funds in the estate to pay the claim. Distribution will be subject to a lien in favor of the Department of Health Care Services on the real property. The lien shall be for the amount of \$74,720.18. The distributee will pay this amount no later than 60 days after final distribution is filed with the Court. If the claim is not paid within 60 days, interest will be assessed from the date of distribution at 7%, and the full amount plus interest will be due immediately. If the distributees demonstrate an inability to obtain financing within 60 days after the close of probate, and upon execution of a voluntary post death lien, the Department will accept a monthly payment plan of no less than \$100.00.

Anita Lucchesi, decedent's daughter is the sole heir of this estate.

Petitioner prays for an Order:

1. That the administration of the estate be brought to a close;
2. That the first and final account of petitioner, as personal representative, be settled allowed and approved as filed;
3. That all acts and proceedings of petitioner, as personal representative, as set forth in the report be confirmed and approved;
4. That petitioner be authorized and directed to pay, outside of the probate to Quinlan, Kershaw and Fanucchi, LLP the sum of \$799.00 as costs advanced;
5. That Petitioner be authorized and directed to pay, outside of the probate to Caswell, Bell & Hillison, LLP, the sum of \$800.00 for ordinary attorney's fees for services to petitioner, plus reimbursement of costs of administration in the amount of \$496.50, outside of the probate;
6. That Petitioner waives her rights to statutory fees;
7. That distribution of the estate be made subject to a Medi-Cal lien in the amount of \$74,720.18.

Declaration of Edward Fanucchi filed on 8/14/14 states he was the attorney for JoAnn Soria. His firm petitioned for appointment of JoAnn Soria as Administratrix of the estate and she was appointed on 11/8/10. In 2007 property valued had plummeted in the area. At the time of the death of decedent, there was still no ability to market the property and the Administratrix agreed that the property could not be marketed, and that the situation persists today with no buyers for the property. The decedent has an interest in the property and that interest was the only asset of the estate, and the best way to manage the estate was to hold the property in the estate under the control of one person, being the Administratrix. There were no other bills to pay. This strategy was discussed and approved by the Administratrix for the benefit of the beneficiaries.

Please see additional page

Declaration of Edward Fanucchi filed on 8/14/14 (cont.) Mr. Fanucchi states on 4/17/14 he prepared the First and Final Account . . . and for Final Distribution on behalf of the Administratrix. As of that date, all matters to be completed in the estate had been done and the estate was in a condition to be closed.

On 4/23/14, Mr. Fanucchi's paralegal mailed the original First and Final Account to Mr. Bortoslussi for review of JoAnn Soria, Administratrix, execution, and return to Mr. Fanucchi for filing. Ms. Soria refused to sign the account.

It would appear that there would be no resolution to the dispute that developed between the Administratrix, Jack Lucchesi and Linda Hofer on the one hand and Mr. Fanucchi on the other hand. On 5/8/14, a substitution of attorney was executed.

On 7/7/14, a First and Final Account was filed on behalf of JoAnn Soria by Anton M. Bortolussi. The account requests denial of statutory attorneys' fees to Quinlan, Kershaw and Fanucchi, LLP in the amount of \$3,350.00. **Quinlan, Kershaw and Fanucchi requests that said attorney fees be paid by the beneficiaries outside of probate in that all the work in the estate had been completed prior to the time the dispute between the beneficiaries and Mr. Fanucchi.**

Atty Bagdasarian, Gary G., sole practitioner (for Petitioner Sarah (Freeman) Smith-Barry)
 Atty Flanigan, Philip M., sole practitioner (for Jacqueline C. Gammon, Executor)

Petition for Suspension of Powers and Summary Removal of Administrator; for Appointment of Successor Administrator and for Recovery of the Estate of the Decedent Remaining Unadministered; and for Recovery of Double Damages

DOD: 5/24/2006		<p>SARAH FREEMAN aka SARAH SMITH-BARRY, granddaughter and Beneficiary, is Petitioner.</p> <p>Petitioner requests the Court revoke the Letters of Administration issued to JACQUELINE C. GAMMON as [Administrator], based upon the following:</p> <ul style="list-style-type: none"> • She is the daughter of the Decedent's predeceased daughter [ROSE MARY A. FREEMAN, DOD 10/27/1990]; • JACQUELINE C. GAMMON, daughter, was appointed Administrator of Decedent's estate and <i>Letters of Administration</i> were issued 1/26/2012; • The only asset of the estate was an undivided ½ interest in real property located at 96 N. Cypress Ave., Clovis; • Ms. Gammon was the owner of the other undivided ½ interest; • The property was not sold during the administration of the estate and a <i>Petition</i> was filed to distribute the undivided real property interest to the beneficiaries; • An <i>Order Settling First and Final Report of Status of Administration on Waiver of Accounting and Petition for Settlement Thereof; for Allowance of Attorney's Statutory Compensation; for Reimbursement of Costs Advanced; and for Final Distribution</i> was filed 7/18/2013, providing that Petitioner would be distributed a 25% fee simple interest in the real property; • The Order was never recorded and on 9/30/2013, an Escrow was closed whereby a Grant Deed dated 9/17/2013, almost 2 months after the Order was filed, was executed by Ms. Gammon, both as an individual owner of a ½ interest and on behalf of the Estate of Rose Mary Freeman, deceased, selling the full interest of the property for a total value of \$245,000.00 as reflected by the documentary transfer tax of \$269.50 (copy of Deed attached as Exhibit A); • The estate's interest of 50% would be valued at \$122,500.00; each 50% beneficiary value would be as follows: Ms. Gammon @ \$61,250.00 and Petitioner @ \$61,250.00; • No distribution was made to Petitioner; <p align="center">~Please see additional page~</p>	NEEDS/PROBLEMS/COMMENTS:	
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Reviewed by: LEG
Reviewed on: 8/13/14
Updates:
Recommendation:
File 5 – Freeman

Petitioner states, continued:

- Ms. Gammon took, concealed and disposed of the property belonging to Petitioner by failing to follow the provisions of the Order;
- Ms. Gammon was represented by Attorney Philip M. Flanigan, who also did not see to the recording of the Order in Fresno County;
- Ms. Gammon's whereabouts are unknown, although she is believed to be living in the State of Texas;
- It is alleged that she is in contempt for disobeying an Order of the Court pursuant to Probate code § 8505(a), and therefore, notwithstanding any other provision, a citation is not necessary to be issued to her and she should be removed as personal representative from the office by a Court Order reciting the facts and without further showing or notice;
- Since Ms. Gammon has concealed and disposed of property belonging to the estate and to Petitioner, and thereafter disposed of said property, it is alleged that Ms. Gammon should be liable for twice the value of the property recovered pursuant to Probate Code § 859, or the sum of **\$122,500.00 (\$61,250.00 times two)**, plus attorney's fees and costs;

Petitioner prays for an Order that:

1. The powers of **JACQUELINE C. GAMMON** as Administrator of the Estate of Rose Mary Freeman be immediately revoked;
2. The Court appoints **SARAH SMITH-BARRY** as Administrator of the Estate of Rose Mary Freeman without bond;
3. **JACQUELINE C. GAMMON** be surcharged the sum of **\$122,500.00** for the actions taken while she was personal representative; and
4. **JACQUELINE C. GAMMON** be additionally surcharged attorney's fees and costs incurred by Petitioner in bringing this Petition and recovering the property concealed by **JACQUELINE C. GAMMON**.

Notes for background:

- **Final Inventory and Appraisal filed 3/30/2011** shows an estate consisting of a **50%** interest in real property on 96 N. Cypress, Clovis, valued at **\$190,000.00** as of 5/24/2006 (valued at **\$380,000.00** as to **100%** interest).
- **Minute Order dated 3/12/2012** from the Probate Status Hearing for filing proof of deposits into a blocked account (pursuant to the *Ex Parte Order on Application to Amend Order to Allow for Blocked Account* filed 12/6/2011) states: Mr. Flanigan informs the Court that the Administrator is living in the residence and the beneficiaries do not want to sell the property. The matter was not continued. The next filing in the matter was the *First and Final Report of Administration on Waiver of Accounting and Petition for Settlement* on 6/14/2013.
- **Order Settling First and Final Report of Status of Administration on Waiver of Accounting and Petition for Settlement Thereof; for Allowance of Attorney's Statutory Compensation; for Reimbursement of Costs Advanced; and for Final Distribution filed 7/18/2013** distributes the estate pursuant to Probate Code § 6402(c) as follows:
 - **JACQUELINE C. GAMMON** – **25%** fee simple interest in real property located at 96 N. Cypress, Clovis; and
 - **SARAH SMITH-BARRY** – **25%** fee simple interest in real property located at 96 N. Cypress, Clovis.

DOD: 09/01/2012		<p>JULIE RAVISCIONI, daughter was appointed Administrator with full IAEA authority without bond on 05/15/2013.</p> <p>Letters issued 05/16/2013</p> <p>Final Inventory and Appraisal filed 11/06/2013 shows an estate valued at \$182,150.00.</p> <p>Minute Order of 05/15/2014 set this status hearing for the filing of the First Account and/or Petition for Final Distribution.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 6B is the Order to Show Cause for Failure to Appear.</p> <p>Minute Order of 07/18/2014 (Judge Kristi Culver Kapetan): No appearances. Order to personally appear issued for Mr. Krbecheck.</p> <p>1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
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		<p>Declaration of Randolph Krbecheck Regarding the Status of Action and Request for Continuance filed 08/11/2014 states he cannot attend the hearing set for 08/18/2014 because he is required to be in Redwood City at the same time for trial in a pending superior court action. The trial is set to commence on 08/11/2014. Attorney Krbecheck respectfully requests the court continue the hearing on this matter to the next available date.</p>	
			<p>Reviewed by: LV</p> <p>Reviewed on: 08/13/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6A – Dupree</p>

DOD: 09/01/2012			JULIE RAVISCIONI , daughter was appointed Administrator with full IAEA authority without bond on 05/15/2013. Minute Order of 07/18/2014 (Judge Kristi Culver Kapetan): No appearances. Order to personally appear issued for Mr. Krbecheck.	NEEDS/PROBLEMS/COMMENTS:
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<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>		
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<input type="checkbox"/>	Pers.Serv.	<input type="checkbox"/>		
<input type="checkbox"/>	Conf. Screen	<input type="checkbox"/>		
<input type="checkbox"/>	Letters	<input type="checkbox"/>		
<input type="checkbox"/>	Duties/Supp	<input type="checkbox"/>		
<input type="checkbox"/>	Objections	<input type="checkbox"/>		
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>		
<input type="checkbox"/>	CI Report	<input type="checkbox"/>		
<input type="checkbox"/>	9202	<input type="checkbox"/>		
<input type="checkbox"/>	Order	<input type="checkbox"/>		
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>		
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>		
<input type="checkbox"/>	UCCJEA	<input type="checkbox"/>		
<input type="checkbox"/>	Citation	<input type="checkbox"/>		
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>		
Reviewed by: LV				
Reviewed on: 08/13/2014				
Updates:				
Recommendation:				
File 6B – Dupree				

Atty Shepard, Jeff S., of Shepard, Shepard & Janian (for Petitioner Ruby Jean Vargas)

**First and Final Account and Report of Administration, Petition for Reimbursement,
Final Settlement, Allowance of Statutory Commissions and Fees to Administrator
and Attorney, Extraordinary Fees to Attorney and for Final Distribution**

DOD: 11/3/1973		RUBY JEAN VARGAS , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 12/13/2013 – 7/7/2014	<p>1. <i>Final Inventory and Appraisal</i> filed on 1/31/2014 is incomplete at Item 5 regarding property tax certificate, as required by Probate Code § 8800(d). Need statement regarding Property Tax Certificate. (Revenue and Tax Code § 480.)</p> <p>2. <i>Schedule F, Property on Hand</i> shows a total of \$11,419.50, a portion of which is cash of \$419.50 remaining in the Attorney's Trust Account from Petitioner's \$2,000.00 advance deposit on account for probate costs. Paragraph XIII states Petitioner is entitled to reimbursement for the personal cash advances made to the estate in the sum of \$2,000.00. Need clarification as to the request for the entire \$2,000.00 while there remains \$419.50 of that \$2,000.00 deposit to be distributed back to the Petitioner.</p> <p>3. Need proposed order pursuant to Local Rule 7.6.1, containing a statement as to the balance of the estate on hand, specifically noting the amount of cash included in the balance, and the amounts to be distributed.</p>
Cont. from		Accounting - \$23,000.00	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$10,000.00	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$11,419.50 (all cash)	
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	<input checked="" type="checkbox"/> Administrator - \$440.00 (statutory)	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney - \$440.00 (statutory)	
<input checked="" type="checkbox"/>	Aff.Mail	<input type="checkbox"/> Attorney XO - \$1,750.00 (for 12.25 hours @ \$200.00, reduced from \$2,450.00; from 10/17/2013 to 4/1/2014 for responding to objections to appointment, trial brief and argument at Court trial, sale of real property;)	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	<input type="checkbox"/> Costs - \$2,000.00 (advanced by Petitioner for filing fees, probate referee, publication, certified copies)	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report	Closing - \$1,000.00 (preparation and filing of fiduciary income tax returns; any tax deficiencies determined to be due from the estate;)	
<input checked="" type="checkbox"/>	9202		
<input type="checkbox"/>	Order	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
~Please see additional page~			Reviewed by: LEG Reviewed on: 8/14/14 Updates: Recommendation: File 7 – Hamilton

Distribution pursuant to intestate succession and Assignment filed 8/4/2014 is to:

- RUBY VARGAS – 2/5 interest consisting of **\$2,315.76 cash** [?];
- DAVID PALMS – 1/20 interest consisting of **\$289.48 cash** [?];
- RENALDO PALMS – 1/20 interest consisting of **\$289.48 cash** [?];
- VELAIR PALMS – 1/20 interest consisting of **\$289.48 cash** [?];
- JOLEVETTE PALMS – 1/20 interest consisting of **\$289.48 cash** [?];
- JEANETTE MONTOYA – 1/20 interest consisting of **\$289.48 cash** [?];
- ELAINE MONTOYA – 1/20 interest consisting of **\$289.48 cash** [?];
- GARY MONTOYA – 1/20 interest consisting of **\$289.48 cash** [?];
- SHARON RIVERA – 1/20 interest consisting of **\$289.48 cash** [?];
- HELEN PAULINO – 1/5 interest consisting of **\$1,157.90 cash** [?].

DOD: 05/29/13 Cont. from <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"></td> <td style="width: 15%;">Aff.Sub.Wit.</td> <td style="width: 10%;"></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Verified</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Inventory</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>PTC</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Not.Cred.</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Notice of Hrg</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Aff.Mail</td> <td>w/</td> </tr> <tr> <td></td> <td>Aff.Pub.</td> <td></td> </tr> <tr> <td></td> <td>Sp.Ntc.</td> <td></td> </tr> <tr> <td></td> <td>Pers.Serv.</td> <td></td> </tr> <tr> <td></td> <td>Conf. 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Pers.Serv.			Conf. Screen			Letters	09/12/13		Duties/Supp			Objections			Video Receipt			CI Report			9202	x	<input checked="" type="checkbox"/>	Order			Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice	x	JOHN J. WALSH and DAVID T. WALSH, Co-Executors, are Petitioners. Account period: NOT STATED <table border="0" style="width: 100%;"> <tr> <td style="width: 40%;">Accounting</td> <td style="width: 10%; text-align: center;">-</td> <td style="width: 50%;">\$200,124.29</td> </tr> <tr> <td>Beginning POH</td> <td style="text-align: center;">-</td> <td>\$200,065.29</td> </tr> <tr> <td>Ending POH (all cash)</td> <td style="text-align: center;">-</td> <td>\$95,854.06</td> </tr> <tr> <td colspan="3"> </td> </tr> <tr> <td>Executors</td> <td style="text-align: center;">-</td> <td>waived</td> </tr> <tr> <td colspan="3"> </td> </tr> <tr> <td>Attorney (less than statutory)</td> <td style="text-align: center;">-</td> <td>\$2,531.25</td> </tr> <tr> <td colspan="3"> </td> </tr> <tr> <td>Closing</td> <td style="text-align: center;">-</td> <td>\$500.00</td> </tr> <tr> <td colspan="3"> </td> </tr> <tr> <td colspan="3">Distribution, pursuant to decedent's will, is to:</td> </tr> <tr> <td>John J. Walsh, Jr.</td> <td style="text-align: center;">-</td> <td>\$9,282.28</td> </tr> <tr> <td>William E. Walsh</td> <td style="text-align: center;">-</td> <td>\$9,282.28</td> </tr> <tr> <td>Maureen A. Walsh</td> <td style="text-align: center;">-</td> <td>\$9,282.28</td> </tr> <tr> <td>Michael R. Walsh</td> <td style="text-align: center;">-</td> <td>\$9,282.28</td> </tr> <tr> <td>Kathleen A. Walsh</td> <td style="text-align: center;">-</td> <td>\$9,282.28</td> </tr> <tr> <td>Kevin F. Walsh</td> <td style="text-align: center;">-</td> <td>\$9,282.28</td> </tr> <tr> <td>Patricia M. Bonnel</td> <td style="text-align: center;">-</td> <td>\$9,282.28</td> </tr> <tr> <td>Linda M. Anderson</td> <td style="text-align: center;">-</td> <td>\$9,282.28</td> </tr> <tr> <td>Denise E. Walsh</td> <td style="text-align: center;">-</td> <td>\$9,282.28</td> </tr> <tr> <td>David T. Walsh</td> <td style="text-align: center;">-</td> <td>\$9,282.29</td> </tr> </table>	Accounting	-	\$200,124.29	Beginning POH	-	\$200,065.29	Ending POH (all cash)	-	\$95,854.06				Executors	-	waived				Attorney (less than statutory)	-	\$2,531.25				Closing	-	\$500.00				Distribution, pursuant to decedent's will, is to:			John J. Walsh, Jr.	-	\$9,282.28	William E. Walsh	-	\$9,282.28	Maureen A. Walsh	-	\$9,282.28	Michael R. Walsh	-	\$9,282.28	Kathleen A. Walsh	-	\$9,282.28	Kevin F. Walsh	-	\$9,282.28	Patricia M. Bonnel	-	\$9,282.28	Linda M. Anderson	-	\$9,282.28	Denise E. Walsh	-	\$9,282.28	David T. Walsh	-	\$9,282.29	NEEDS/PROBLEMS/COMMENTS: 1. The account period is not stated in the petition. 2. The petition does not specifically address the required notice to the Victims Compensation Board or the Franchise Tax Board as required by Probate Code § 9202(b) & (c)(1). <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Reviewed by: JF</td> </tr> <tr> <td>Reviewed on: 08/14/14</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 8 – Walsh</td> </tr> </table>	Reviewed by: JF	Reviewed on: 08/14/14	Updates:	Recommendation:	File 8 – Walsh
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Atty Boyajian, Thomas M., sole practitioner (for Drake K. Cotton, Executor)

Status Hearing Re: Filing of Final Inventory and Appraisal

DOD: 1/17/2013	DRAKE K. COTTON , son, was appointed Executor with Full IAEA authority without bond on 3/12/2014.	NEEDS/PROBLEMS/COMMENTS:
		Page 9B is the Order to Show Cause.
Cont. from 071814	Letters issued on 3/14/2014.	Continued from 7/18/2014. Minute Order [Judge Kapetan] states: No appearances. Order to personally appear issued for Thomas Boyajian.
Aff.Sub.Wit.	Pursuant to Probate Code § 8800(b), <i>Final Inventory and Appraisal</i> was due 7/14/2014 .	
Verified		The following issue from the last hearing remains:
Inventory	X	
PTC		1. Need <i>Final Inventory and Appraisal</i> pursuant to Probate Code § 8800(b), with Attachment 2 included showing the assets of the estate, or a verified status report and proof of service of notice of the status hearing pursuant to Local Rule 7.5(B).
Not.Cred.		
Notice of Hrg	X	2. Attachment 2 showing the specific character of the property that was inventoried and appraised by the probate referee.
Aff.Mail	X	
Aff.Pub.		Minute Order dated 2/18/2014 from the hearing on the petition for probate set the matter for a Status Hearing for filing of the final inventory and appraisal on 7/18/2014.
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt	X	
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 8/13/14
		Updates:
		Recommendation:
		File 9A – Cotton

9A

Atty Boyajian, Thomas M., sole practitioner (for Drake K. Cotton, Executor)

Order to Show Cause Re: Failure to Appear

DOD: 1/17/2013	<p>DRAKE K. COTTON, son, was appointed Executor with Full IAEA authority without bond on 3/12/2014.</p> <p><i>Status Hearing Re: Filing of Final Inventory and Appraisal</i> was not taken off calendar due to defects in the <i>Inventory and Appraisal</i> filed 6/9/2014.</p> <p><i>Minute Order</i> dated 7/18/2014 [Judge Kapetan] from the status hearing states: No appearances. Order to personally appear issued for Thomas Boyajian.</p> <p><i>Order to Show Cause for Failure to Appear</i> filed 7/18/2014 orders Attorney Thomas Boyajian to appear on 8/18/2014 at 9:00 a.m. in Department 303.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 8/13/14
		Updates:
		Recommendation:
		File 9B – Cotton

9B

Atty Helon, Marvin T., of Helon & Manfredo (for Petitioner Ada Neill Dennie)

Hearing on Surcharge of Former Trustee and Damages for Financial Abuse of Dependent Adult by Former Trustee

[illegible]

Report of Sale and Petition for Order Confirming Sale of Real Property

DOD: 03/21/14		SUSAN BROWN, Trustee/Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of publication pursuant to Probate Code § 10300. 2. Petitioner states that proceeds from the sale are to be deposited into a blocked account. Need Order to Deposit Money into Blocked Account. <u>Note:</u> A status hearing will be set as follows: <ul style="list-style-type: none"> Monday, 09/22/14, at 9:00 am in Dept. 303 for filing of Receipt and Acknowledgement of Order for the Deposit of Money into Blocked Account
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/	
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<input type="checkbox"/>	Sp.Ntc.		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Sale Price - \$130,000.00 Overbid - \$137,000.00 Appraisal - \$130,000.00 Property - 1320 1 st Street Clovis, CA 93612 Publication - NEED Buyers - Jon E. Kerby and Joy N. Kerby Broker - None Bond is currently set at \$74,000.00. Petitioner states that the proceeds of sale will be placed into a blocked account. Declaration of Trustee, Susan Brown, in Support of Sale and Petition for Order Confirming Sale of Real Property filed 07/15/14 states that the \$13,000.00 credit referenced in the escrow instructions is a gift from her personal funds.	
Reviewed by: JF Reviewed on: 08/15/14 Updates: Recommendation: File 11 – Eastwood			

12 Espinola Family Trust of 1990**Case No. 14CEPR00430**

Atty Kaufman, Jeffrey; Brawley, Mason, of Berliner Cohen of Merced (for Petitioners Eugene Espinola, Marvin Espinola, and Margaret Corvello, Beneficiaries)

Atty Esraelian, Robyn, of Richardson, Jones & Esraelian (for James Espinola and Irene Espinola St. Martin, Trustees)

Atty Rube, Melvin K., sole practitioner (also for James Espinola and Irene Espinola St. Martin, Trustees)

**Petition for Order Instructing Trustees to Provide Supporting Documentation;
Compelling Trustees to Account; Instructing Trustees to Distribute Trust Assets**

Oliver DOD: 9/1/2006		EUGENE ESPINOLA, MARVIN ESPINOLA and MARGARET CORVELLO , children and Beneficiaries, are Petitioners. Petitioners state: <ul style="list-style-type: none"> Petitioners are beneficiaries of 3 irrevocable Sub-Trusts created under the ESPINOLA FAMILY TRUST of 1990, namely: SURVIVOR'S TRUST; RESIDUAL TRUST; and MARITAL TRUST (copy of trust attached as Exhibit A); Petitioners' siblings, JAMES DOUGLAS ESPINOLA and IRENE ESPINOLA ST. MARTIN, are the current Trustees of the Sub-Trusts and are the other two beneficiaries of the Sub-Trusts; During their administration of the Sub-Trusts, James and Irene have provided deficient accounts and have failed to fully and adequately disclose the Trustees' acts and transactions; Throughout their administration, the Trustees have failed to promptly respond to Petitioners' questions and requests for information, resulting in increased legal fees and prolonged administration; Over 2 years have elapsed and the Trustees have made no distributions from the Sub-Trusts, despite the fact that the Sub-Trusts hold ~8 million is assets; Trustees have liquidated most of the Sub-Trust assets except for commercial real property located in Fresno, and Trustees have indicated they will not make distributions from the Sub-Trusts until the Petitioners accept the accounts and reports they have provided; However, Petitioners cannot accept the Trustees' accounts and reports because the accounts and reports are deficient, and the Trustees have failed to respond to Petitioners' questions and requests for information; Petitioners seek Court orders instructing Trustees to provide the previously requested information, compelling Trustees to submit Sub-Trust accountings for 2011, 2012 and 2013 to the Court for approval, and instructing Trustees to distribute the Sub-Trust assets according to trust terms; <p align="center">~Please see additional page~</p>	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 7/21/2014.</u> Minute Order states Ms. Esraelian is appearing specially for Attorney Melvin Rube. 1. <i>Proof of Service by Mail</i> of the Notice of Hearing filed 5/29/2014 shows both of the Trustees were mailed notice in care of Attorney Robyn Esraelian. Notice sent by mail must be mailed individually and directly to the person entitled to notice pursuant to CA Rule of Court 7.51(a)(1) and (2). Court may require direct notice to the Trustees.	
Virginia DOD: 4/29/2012				
Cont. from 070714, 072114				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W /
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	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Dept. 303, 9:00 a.m. Monday, August 18, 2014

Petitioners state, continued:

- On 8/18/2009, Virginia Espinola, as sole surviving Trustee following Oliver Espinola's death on 9/1/2006, appointed James and Irene to serve as Co-Trustees with her (*copy of First Amendment to the trust attached as Exhibit B*); James and Irene have continued to serve as Trustees of the Sub-Trusts since Virginia's death on 4/29/2012;
- The Sub-Trusts provide that upon Virginia's death, all of the assets of the Sub-Trusts shall be distributed outright and free of trust among the Settlor's 5 children (**EUGENE ESPINOLA, MARVIN ESPINOLA, MARGARET CORVELLO, JAMES DOUGLAS ESPINOLA and IRENE ESPINOLA ST. MARTIN**).
- Status of Trust Administration: Despite the fact that the total value of Sub-Trusts assets is **~\$8 million** (based on asset schedule provided by Trustees on 1/8/2014 showing **~\$4 million** in **SURVIVOR'S TRUST**; **~\$2 million** in **RESIDUAL TRUST**; and **~\$2 million** in **MARITAL TRUST**), the Trustees have not made any distributions to the beneficiaries in the 2 years since Virginia's death;
- The most significant asset held by each of the Sub-Trusts is an undivided interest in a commercial rental property located on Fir Avenue in Fresno; the Sub-Trusts collectively own the entire property has an estimated fair market value of **~\$4.4 million** according to schedule of assets provided by Trustees;
- Petitioners believe the Trustees have rented some of the commercial property but that a portion of the property has been vacant since it was purchased in 2007; according to the fiduciary income tax returns provided by the Trustees, the commercial property generates very little income; 2012 tax returns attributed taxable income to the commercial property of **\$24,575.00**; based on the Trustees estimated value of **\$4.4 million**, this represents an annualized return on investment before taxes of **~0.5%** (1/2 of 2 percent);
- Despite that the commercial property continues to deplete the Sub-Trusts, the Trustees have indicated that they would like to keep the commercial property in the Sub-Trust until it is sold; however, Petitioners believe the Trustees have taken little action to lease or sell the property; although they have hired a broker, the Trustee's attorney indicates the Trustees have only had 3 parties interested in purchasing the commercial property since 2007;
- The Trustees intend to keep the commercial property in the Sub-Trusts until it is sold, yet they have not make any reasonable efforts to sell it, leading Petitioners to the reasonable conclusion that the Trustees are keeping the commercial property in the Sub-Trusts so that they can remain in control of the property and profit from the ongoing administrations of the Sub-Trusts;
- **Petitioners request an order from this Court instructing the Trustees to immediately distribute the commercial property from the Sub-Trusts to the beneficiaries in equal shares.**
- Requests for Trust Accountings for 2011 through 2012: On 6/20/2012, Petitioners' former attorney (Alan Niebel) sent a letter to Trustee's attorney, Ms. Esraelian, requesting an accounting of the Sub-Trusts from 2011 through Virginia's date of death on 4/29/2012 (*see Exhibit B attached to Declaration of Mason L. Brawley filed 5/12/2014*); on 5/29/2013, Petitioners' attorney (Judy Jensen) reiterated the request for accountings from 2011 through Virginia's date of death on 4/29/2012 and requested accountings for 2012 and 2013 (*see Exhibit C attached to Declaration of Mason L. Brawley filed 5/12/2014*); on 8/26/2013, Petitioner's attorney (Mason Brawley) sent another letter to Ms. Esraelian requesting accountings of the Sub-Trusts for 2011, 2012 and the period following Virginia's date of death on 4/29/2012 (*see Exhibit D attached to Declaration of Mason L. Brawley filed 5/12/2014*).

~Please see additional page~

Petitioners state, continued:

- Accountings for 2011 through 2012 are Deficient: The Trustees finally provided the beneficiaries with partial accounts for the Sub-Trust in November 2013, after two additional emails to Ms. Esraelian in October 2013 (*copies of accounts attached as Exhibits C, D, E, F and G*); Petitioners object to these accountings due to several deficiencies [*described in significant detail at lines 12 to 28 on page 5, lines 1 to 22 on page 6 of petition; briefly, deficiencies include such things as:*
 - failing to identify the check numbers and payees of disbursements, which may have been made to themselves or relatives;
 - failing to itemize the individual securities held in investment accounts valued at **\$1,299,990** and **\$216,733**; without that information Petitioners cannot ascertain whether the investments are reasonable and prudent, or whether interest income was adequate;
 - disbursements show penalties on payment to Franchise Tax board which is unexplained as to why trust did not timely pay tax liability;
 - Payments of **\$22,752** for tax preparation services have not been confirmed as made to Irene (Trustee), who is a CPA and prepares the accountings and tax returns for the Sub-Trusts; these expenses may be excessive given that the Trustees did not provide the accountings until November 2013.Until such time as a full and complete account for each year is received, Petitioners are unable to assert additional objections with specificity.
- Petitioner's requests for further information from the Trustee: Upon receipt by Petitioners and their review, on 1/23/2014 Petitioners requested explanations and supporting documentation for several transactions, and supplemented their request in an email to Ms. Esraelian on 2/25/2014 (*see Exhibit D attached to Declaration of Mason L. Brawley filed 5/12/2014*);
- Trustees still have not provided the requested information or filed the accountings with the Court, despite that an additional two months have lapsed since Ms. Esraelian's reply on 3/11/2014 stating that the Trustees were preparing the accountings for court approval;
- Petitioners requests for information are reasonable and the Trustees are required to provide the requested information in accordance with Probate Code § 16061.
- Trustees have breached their duties to the Beneficiaries: [*List of duties breached include*]:
 - Duty to Administer the Trust according to its Terms
 - Duty to Deal Impartially with Beneficiaries
 - Duty to Make Trust Assets Productive
 - Duties to Account and Furnish InformationUntil such time as a full and complete account for each year is received, Petitioners are unable to assert additional breaches of trust with specificity.
- Trustees' failure to properly account for the Sub-Trusts, refusal to comply with Petitioners' reasonable requests for information and breaches of fiduciary duties has cause unnecessary delay in the administration of the Sub-Trusts; the legal expenses uncured are driven entirely by Trustees' failures to perform their duties as required;
- Any expense uncured by the Trustees' in complying with this Petition should be borne personally by the Trustees and should not be an expense of the Trust.

~Please see additional page~

Petitioners pray for the following Court orders:

1. Instructing Trustees to prepare a complete and thorough accounting of each of the Sub-Trusts in accordance with Probate Code § 1061 through 1063, and 16060 through 16063 for the period of 1/1/2011 through 12/31/2013, and to submit such accountings to the Court for approval **no later than 30 days after the date of the order**;
2. Instructing the Trustees to provide responses to questions and requests for supporting documentation emailed to Ms. Esraelian on 1/23/2014 and 2/25/2014;
3. Instructing the Trustees to distribute the assets held by the Sub-Trusts to the beneficiaries; and
4. That the legal fees and costs incurred by **JAMES DOUGLAS ESPINOLA** and **IRENE ESPINOLA ST. MARTIN**, as the Trustees, in complying with the foregoing orders shall be borne by **JAMES DOUGLAS ESPINOLA** and **IRENE ESPINOLA ST. MARTIN** personally.

Response of Irene E. St. Martin and James D. Espinola, Co-Trustees of the Espinola Family Trust of 1990, to the Petition for Order 1) Instructing Trustees to Provide Supporting Documentation; 2) Compelling Trustees to Account; and Instructing Trustees to Distribute Trust Assets was filed by Melvin Rube on behalf of Irene E. St. Martin and James D. Espinola, Co-Trustees, on 7/18/2014.

- Respondents admit and deny specified paragraphs of the *Petition*;
- Regarding allegations set forth on Page 5, line 1 through line 6, line 24, the Respondents submit the documents, listed below:
 - Accounting of the **MARITAL TRUST** from 1/1/2011 through 12/31/2011 attached as Exhibit 1;
 - Accounting of the **RESIDUAL TRUST** from 1/1/2011 through 12/31/2011 attached as Exhibit 2;
 - Accounting of the **MARITAL TRUST** from 1/1/2012 through 12/31/2012 attached as Exhibit 3;
 - Accounting of the **RESIDUAL TRUST** from 1/1/2012 through 12/31/2012 attached as Exhibit 4;
 - Accounting of the **SURVIVOR'S TRUST** from 4/29/2012 through 12/31/2012 attached as Exhibit 5;
 - Accounting of the **MARITAL TRUST** from 1/1/2013 through 12/31/2013 attached as Exhibit 6;
 - Accounting of the **RESIDUAL TRUST** from 1/1/2013 through 12/31/2013 attached as Exhibit 7;
 - Accounting of the **SURVIVOR'S TRUST** from 1/1/2013 through 12/31/2013 attached as Exhibit 8;
- Regarding allegations set forth on Page 6, Paragraph 6, line 25 through Page 7 line 8, the Respondents submit the documents, listed below:
 - Response to 2011 Schedule C Disbursements Questions attached as Exhibit 9;
 - Response to 2012 Schedule C Disbursements Questions attached as Exhibit 10;

Respondents pray for an order denying and dismissing the petition, and for costs.

Atty Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Guardian)
 Atty LeVan, Nancy J., sole practitioner (Court-appointed for Conservatee)

**Petition for Appointment of Probate Conservator of the Person and Estate
 (Prob. C. 1820, 1821, 2680-2682)**

Age: 73 years		<p align="center">TEMPORARY GRANTED EX PARTE EXPIRES 7/16/2014; extended to 8/18/2014</p> <p>PUBLIC GUARDIAN is Petitioner and requests appointment as Conservator of the Person and Estate with medical consent and dementia powers to administer dementia medications, and for placement in a secured-perimeter facility.</p> <p>Capacity Declaration of Hoyle Leigh, M.D. filed 7/2/2014.</p> <p>Estimated Value of the Estate: Personal property - \$40,000.00 Annual income - \$ 600.00 Total - \$40,600.00</p> <p>Voting Rights Affected</p> <p>Petitioner states the proposed Conservatee suffers from diabetes, hypertension and other medical conditions, and uses the assistance of a wheelchair due to hip and leg pain; in addition she has a history of depression and suffers from dementia. Petitioner states the proposed Conservatee has been married to RESENDO TOSCANO since 1962, they have 7 children, and there is a long history of domestic abuse between the proposed Conservatee and her husband, as well as financial abuse from some of their children. Petitioner states the family is well-known by several agencies including Adult Protective Services (APS) and the Police Department, the latter agency having received 39 calls in 12 months for physical abuse, financial abuse, warrants and various criminal activity;</p> <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 8/1/2014.</p> <p>Voting Rights Affected – Need Minute Order.</p> <p><u>Note:</u> Petition for Appointment of Probate Conservator filed by the Public Guardian for RESENDO TOSCANO, the spouse of this proposed Conservatee, is set for hearing on 8/28/2014 (Case 14CEPR00641).</p> <p>1. Need declaration regarding discussion with the proposed Conservatee for the sale of her residence, pursuant to Probate Code § 2540(b).</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	Cap. Dec.		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: LEG

Reviewed on: 8/13/14

Updates:

Recommendation:

File 13 – Toscano

Petitioner states, continued:

- The APS referral indicates the proposed Conservatee was admitted to Community Regional Medical Center 10 times from January to June 2013 due to being a dependent adult unable to provide care for herself, she has been discharged 7 times to skilled nursing facilities and each time has returned home, and that her home is filthy and cockroach infested;
- The proposed Conservatee's Social Security benefits are allegedly taken by certain of her sons, rather than used for her needs.

Petitioner requests the authority to sell the proposed Conservatee's **50%** interest in her home located at 1310 N. Thorne Ave., Fresno, and authority to retain the services of a licensed real estate broker to assist in the sale of the real property (per *Amendment* filed 7/30/2014 to the *Petition for Appointment of Probate Conservator*; *Amendment* states it is also being requested in the *Petition* filed for the appointment of Conservator of **RESENDO TOSCANO** (Case 14CEPR00641), who holds joint tenancy in the home with proposed Conservatee, that sale of his **50%** interest in the home be authorized.)

Note: *Order Appointing Temporary Conservator* filed 7/21/2014 grants the following additional powers to the Public Guardian as Temporary Conservator:

- (1) Authority to make medical decisions;
- (2) Authority to keep the Conservatee's whereabouts confidential pending further order of the Court;
- (3) No visitation is allowed with the Conservatee by anyone other than the Conservator pending further order of the Court. (*Please refer to Minute Order dated 7/16/2014.*)

Court Investigator Dina Calivillo's Report was filed on 8/12/2014.

Atty Edwards, Mark D.; sole practitioner (for Petitioners Johannes F. Schoemaker and Catharina M. Vandepavert)

Atty Lind, Ruth; sole practitioner (Court-appointed for Conservatee)

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

Age: 78 years		NO TEMPORARY REQUESTED		NEEDS/PROBLEMS/COMMENTS:
		JOHANNES F. SCHOEMAKER, proposed Conservatee's lifetime partner, and CATHARINA M. VANDEPAVERT, proposed Conservatee's friend and her lifetime partner's sister, are Petitioners and request appointment of		Court Investigator Advised Rights on 8/7/2014.
Cont. from		JOHANNES F. SCHOEMAKER as Conservator of the PERSON with medical consent and dementia powers to administer dementia medications, and for placement in a secured-perimeter facility; and request appointment of		
	Aff.Sub.Wit.	JOHANNES F. SCHOEMAKER and CATHARINA M. VANDEPAVERT as Co-Conservators of the ESTATE with bond set at \$2,000,000.00 [amount is sufficient].		Voting Rights Affected – Need Minute Order.
✓	Verified			
	Inventory			1. Need Citation for Conservatorship pursuant to Probate Code § 1823, and proof of personal service of the Citation on the proposed Conservatee with a copy of the Petition for Appointment of Probate Conservator pursuant to Probate Code § 1824. (Proof of Service filed 8/13/2014 showing personal service to proposed Conservatee on 8/13/2014 is insufficient for the purposes of appointment of conservator.)
	PTC			
	Not.Cred.			~Please see additional page~
✓	Notice of Hrg			
✓	Aff.Mail	W/		Reviewed by: LEG
	Aff.Pub.			
	Sp.Ntc.			Reviewed on: 8/15/14
✓	Pers.Serv.			Updates:
✓	Conf. Screen			Recommendation:
✓	Letters			File 14 – Matsumura
✓	Duties/Supp			
	Objections			
✓	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation	X		
	FTB Notice			

Petitioners state, continued:

- Proposed Conservatee does not pay any of her own bills, but formerly set up auto-withdraw from her bank accounts for various vendors;
- Proposed Conservatee does not realize how much money she has and balks at having to spend money on reasonably priced necessities of life such as undergarments;
- Proposed Conservatee did not appreciate the necessity of having to pay the tax bill she received, and is not capable of balancing her own checkbook;
- Proposed Conservatee hides checks and other papers with her name on it, such as a required minimum distribution check for ~\$15,000.00 and she did not deposit it and it is presently lost while the company awaits instructions for re-issuance;
- Proposed Conservatee has two siblings, **TADAO MATSAMURA** (of Minden, Nevada) and **MIKI MORAKAMI** (of Stockton) who have been contacted on several occasions by Petitioner Schoemaker, and neither of them appear to be interested in acting as the proposed Conservatee's conservator.

Petitioners request orders relating to the capacity of proposed Conservatee under **Probate Code § 1901** be granted, as follows:

- Proposed Conservatee lacks the ability to appreciate the consequences of entering into marriage and/or registered domestic partnership, and Petitioners are concerned that should the proposed Conservatee be placed in a facility, another individual could prey upon her in order to access her finances through a fraudulent proposal of matrimony; proposed Conservatee has lived with Petitioner Schoemaker for ~46 years and though they never married, they have shared a mutual intimate relationship for a substantial period of their lives.

Court Investigator Jennifer Young's Report was filed on 8/11/2014.

NEEDS/PROBLEMS/COMMENTS, continued:

2. Need *Attachment 25* to proposed order to include the finding regarding orders relating to the Petitioners' request to limit the capacity of the conservatee under Probate Code § 1901 (capacity to marry or enter a domestic partnership.) [*Note to Attorney: Catharina Vandepavert's name is misspelled at Item 18(b) and should be corrected in a revised proposed order. Additionally, the Probate Referee at Item 30 should be STEVEN DIEBERT.*]
3. Need revised proposed *Letters* for Conservatorship of the Estate. Petitioners submitted *Letters of Conservatorship of the Estate* signed separately by each Co-Petitioner; however, *Letters of Conservatorship of the Estate* must be a single set signed by both Co-Petitioners to enable certification on the same page.

Note: If petition is granted, Court will set status hearings as follows:

- **Thursday, September 18, 2014 at 9:00 a.m. in Dept. 303** for filing proof of bond;
- **Wednesday, December 17, 2014 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **Tuesday, October 20, 2015 at 9:00 a.m. in Dept. 303** for filing of first account of the conservatorship.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

Dept. 303, 9:00 a.m. Monday, August 18, 2014

DOD: 03/15/2014		HUGH HASKELL FUDENBURG , son, is petitioner. 40 days since DOD No other proceedings I&A - \$87,500.00 Will dated: 04/04/2007 devises all property pass to Hugh Haskell Fudenberg. Petitioner requests the decedent's 12.5% interest in in real property defined as East half of the East 80 acres of the Northwest quarter of Section 26, Township 13 South, Range 22 East, Mount Diablo Base & Meridian pass to Hugh Haskell Fudenberg pursuant to decedent's will.	NEEDS/PROBLEMS/COMMENTS: Note: Decedent, Herman H. Fudengberg, was a petitioner in Probate case 14CEPR00212 Petition to Determine Succession of his former wife Jane E. Myers-Fudenberg. Herman H. Fudenberg received 12.5% of the estate on 05/12/2014. The file contains declarations which were allegedly signed by Herman H. Fudenberg dated after his date of death.
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by: LV	
Reviewed on: 08/14/2014	
Updates:	
Recommendation:	
File 15 – Fudenberg	

DOD: 03/15/2014	EMILY PRIOLEAU , daughter, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	40 days since DOD	
	No other proceedings	
Cont. from	I&A - \$126,500.00	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory	Decedent died intestate	
<input type="checkbox"/> PTC	Petitioner requests Court determination that decedent's 100% interest in real property located at 1260 N. Adoline Ave, Fresno, Ca. and 100% of household furnishings and personal effects pass to Emily Prioleau pursuant to intestate succession.	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 08/14/2014
		Updates:
		Recommendation: Submitted
		File 16 – Snyder

**Probate Status Hearing Re: Failure to File the Inventory and Appraisal and for
Failure to File a First Account or Petition for Final Distribution**

DOD: 06/13/2003	RICHARD MONIZ and HELEN MONIZ , were appointed Executors with full IAEA authority without bond on 09/30/2002.	NEEDS/PROBLEMS/COMMENTS:
	Letters issued on 02/23/2004.	Minute Order of 07/07/2014: Counsel reports that he has been unable to locate Richard Moniz and Helen Moniz.
Cont. from 020714, 032814, 053014, 070714	Inventory and Appraisal was due 02/23/2004.	Minute Order of 05/30/2014: No appearances. The Court sets the matter for an Order to Show Cause on 07/07/2014 regarding failure to appear. The Court orders Michael Milnes to be personally present on 07/07/2014.
Aff.Sub.Wit.	First Account or Petition for Final Distribution was due on 11/2004.	Copy of Minute Order mailed to Michael Milnes on 05/30/2014.
Verified		Minute Order of 02/07/2014: No appearances. Mr. Milnes is directed to contact his clients regarding this matter.
Inventory		Copy of Minute Order mailed to Michael Milnes on 03/06/2014.
PTC	Notice of Status Hearing was mailed to Michael Milnes, Attorney, Richard Moniz, and Helen Moniz on 11/20/2013.	
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: LV
Status Rpt		Reviewed on: 08/13/2014
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 17 – Gracie

DOD: 9/8/2004		<p>GARY W. O'MEARA was appointed Administrator with full IAEA authority and without bond on 1/4/2006.</p> <p>Letters issued on 1/4/2006.</p> <p>Inventory and appraisal filed on 12/19/2006 shows the estate valued at \$378,000.00.</p> <p>Status Report filed on 6/17/14 states on Friday, June 13, 2014 Mr. Rube received the bank statements for the estate account for the years 2006 – 2014, which now allows him to complete and file the first and final report and account and petition for final distribution. Mr. Rube request a 30 day continuance.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 030714, 050914, 061914			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: KT Reviewed on: 8/13/14 Updates: Recommendation: File 18 – Mara

Status Hearing Re: (1) Filing of Bond; (2) Receipt for Funds into Blocked Account

		<p>SHELIA STEARNS was appointed Conservator of the Person and Estate with bond of \$50,000.00 and \$425,000.00 to be placed into blocked accounts pursuant to Evidentiary/Settlement Conference Minute Order dated 2-25-14. The Order was signed on 3-5-14.</p> <p>Letters have not issued.</p> <p>On 3-5-14, the Court set this status hearing and mailed Notice of Status Hearing to Attorney Feigel.</p> <p>This is the fifth (5th) status hearing on the matter. At the hearing on 6-8-14, there were no appearances and Mr. Feigel was ordered to be personally present 7-21-14.</p> <p>On 7-21-14, Mr. Rindlisbacher appeared for the conservator and stated that a substitution would be filed; however, no substitution has been filed yet.</p> <p>On 8-13-14, bond of \$50,000.00 was filed; however, Letters need to be submitted in order to issue.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 4-18-14, 5-16-14, 6-9-14, 7-21-14</u></p> <p>Minute Order 5-16-14: The Court is advised that the bond has been approved and should be issued within the next 24 hours. The Court is further advised that the money is still in the same account. Continued to 6-9-14.</p> <p>Minute Order 6-9-14: No appearances. Order to personally appear issued for Mr. Feigel. Court needs bond and receipts from blocked accounts. Continued to 7-21-14.</p> <p>Note: On 8-13-14, bond of \$50,000.00 was filed; however, Letters need to be submitted in order to issue.</p> <p>1. Need receipts re blocked accounts (MC-356) or verified written status report pursuant to local rules.</p> <p>Note: If, per the statement in the last minute order, the money is in one account, it appears it would be over the FDIC limit. Please see applicable law regarding accounts. Need receipts reflecting the blocked accounts and the amounts therein.</p>
Cont. from 041814, 051614, 060914, 072114			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 8-13-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 19 – Cook</p>	

Age: 11 years		<u>General Hearing 10/8/2014</u>		NEEDS/PROBLEMS/COMMENTS: If court does not dispense with notice to the mother, will need: 1. Notice of Hearing 2. Proof of personal service of the Notice of hearing along with a copy of the temporary petition or consent and waiver of notice on Megan Blakely (mother).
		<u>Temporary Expires 8/18/14</u>		
Cont. from		DEBRA DELANEY , paternal grandmother, is petitioner.		
	Aff.Sub.Wit.		Father: TODD DELANY – consents and waives notice.	
✓	Verified		Mother: MEGAN BLAKELY – Declaration of Due Diligence.	
	Inventory		Paternal grandfather: Deceased.	
	PTC		Maternal grandfather: Unknown – Declaration of Due Diligence.	
	Not.Cred.		Maternal grandmother: Deborah Blakely – Declaration of Due Diligence.	
	Notice of Hrg	X	Petitioner states mom is on drugs and homeless. The child has lived with her since July 2013. Mom is calling child, wants to take the child but the child does not want to go with her.	
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: KT
				Reviewed on: 8/15/14
				Updates:
				Recommendation:
				File 20 – Muller & Blakely

21 **Essence Sanil Carter (GUARD/P)**
 Atty Carter, Darrell Sr. (pro per – paternal grandfather – guardian)
 Atty Johnson, Ebony (pro per – mother/Petitioner)

Case No. 13CEPR00473

Petition for Termination of Guardianship

Age: 10		EBONY JOHNSON, mother, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
		DARRELL CARTER, SR., paternal grandfather, was appointed guardian on 09/16/13. – <i>Personally served on 04/18/14</i>	<u>CONTINUED FROM 05/19/14</u>
Cont. from 051914		Father: DARRELL CARTER, JR.	1. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Termination of Guardianship or Consent & Waiver of Notice or Declaration of Due Diligence for: a. Darrell Carter, Jr. (father)
Aff.Sub.Wit.		Paternal grandmother: ROSEMARY JOHNSON – deceased	
✓ Verified		Maternal grandfather: JB JOHNSON – Consent & Waiver of Notice filed 03/17/14	
Inventory		Maternal grandmother: GWENDOLYN BABER – Consent & Waiver of Notice filed 03/17/14	
PTC			
Not.Cred.			
✓ Notice of Hrg		Petitioner states that she can provide a home and life for Essence now. She has been clean and sober for 13 months and is currently in maintenance attending NA meetings 4-5 times a week. She graduated from a women's support group and has completed a parenting class. She is currently residing in transitional housing through a program she completed with her 2 other daughters. Petitioner feels that it is in Essence's best interest that she be back with her mother.	
Aff.Mail	x		
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.	w/		
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
✓ CI Report		Court Investigator JoAnn Morris filed a report on 05/12/14.	
9202			
✓ Order		Declarations filed by Darrell Carter, Guardian on 08/13/14 attaches letters from Darrell Carter, Jr. (father) and Darrell Carter (guardian) expressing that they both feel that the guardianship should remain in place at this time to allow both of the parents more time to exhibit stability and sobriety.	
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice		Court Investigator JoAnn Morris filed a supplemental report on 08/13/14.	
			Reviewed by: JF
			Reviewed on: 08/13/14
			Updates:
			Recommendation:
			File 21 - Carter

22 Anquan Dupree Lee & Anquanesse Lakeys Lee (GUARD/P)

Case No. 13CEPR01098

Atty Augustus, Carolyn (pro per Guardian/biological paternal grandmother)

Atty Waldrop, Javon (pro per Petitioner/adoptive mother/biological maternal aunt)

Petition for Termination of Guardianship

Age: 7 years (twins)		JAVON WALDROP , adoptive mother/biological maternal aunt, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		CAROLYN AUGUSTUS , biological paternal grandmother, was appointed guardian on 5/27/14.	1. Need Notice of Hearing. 2. Need proof of service of the notice of hearing on: a. Carolyn Augustus (guardian) b. All relative within the second degree. 3. Petition does not include the names and current addresses of: a. Father b. Paternal grandparents c. Maternal grandparents.
Cont. from		Father: Not listed. Paternal grandfather: Not listed Maternal grandparents: Not listed.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Petitioner states her children were temporarily placed with in their grandmother's home. She wants to start the process of bringing her children home.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Court Investigator Dina Calvillo's Report filed on 8/14/14.	
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 8/15/14
			Updates:
			Recommendation:
			File 22 – Lee

DOD: 2-2-01		BARBARA MORRIS , Surviving Spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petition is incomplete.	<u>Need amended petition based on the following:</u> 1. The petition is blank at #4c – intestate or will? 2. The petition is blank at #6 at #9. Was the decedent survived by any other relatives? 3. The petition is blank at #7 and does not contain an attachment regarding what property Petitioner is requesting to be determined to pass to her. 4. The petition is blank at #12. Need verification that a petition for probate is not being filed (#12c). 5. Petitioner does not state any facts necessary to make a determination of property passing to her as spouse. When were Petitioner and Decedent married? When was the property acquired? How was the property acquired? Any other details relevant pursuant to Probate Code §13651. 6. This petition was filed with a fee waiver. If property is determined to pass to Petitioner, the filing fee of \$435.00 will be due.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 8-15-14
			Updates:
			Recommendation:
			File 23 – Morris

Araceli Age: 2		<p align="center"><u>GENERAL HEARING 10/07/2014</u></p> <p>MATILDA SERNA, maternal grandmother, is petitioner.</p> <p>Father: JOSE VASQUEZ</p> <p>Mother: JASMINE G. ROSEL</p> <p>Paternal Grandfather: Unknown Paternal Grandmother: Aracely</p> <p>Maternal Grandfather: Ricardo Rosel</p> <p>Petitioner states: the mother is not stable and leave the children with others to care for them in the middle of the night. She spends the children's money on an apartment for her boyfriend. She has the children living in the worst apartment where there is drug trafficking and prostitution. Both of the children have coughs and staph infections and the mother will not take the children to the doctor because it is too far. Mother neglects the children and does not bathe them. Petitioner is concerned with the children's safety where they are living and exposed to people the mother lets them stay with.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Jose Vasquez • Jasmine G. Rosel 3. UCCJEA is incomplete. Residence information was only provided since May 2013. Need minor's residence information since birth. 	
Julian Age: 1				
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
✓	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			n/a
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			x
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
✓	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
✓	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
<p>Reviewed by: LV</p> <p>Reviewed on: 08/15/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 24 – Rosel</p>				

25 Hasainah Muhammad & Hasain Muhammad (GUARD/P) Case No. 10CEPR00362

Pro Per Mack, Wealthy (Pro Per Petitioner, maternal great grandmother)
Pro Per Wilson, Shamika (Pro Per Guardian, maternal aunt)

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Hasainah Age: 8 years	General Hearing set for 10/9/2014		NEEDS/PROBLEMS/COMMENTS: Note: Guardian Shamika Wilson petitioned to be guardian of the children's estates in Case 14CEPR00482 and Case 14CEPR00483 to collect life insurance proceeds of ~\$800.00 to be distributed to each child. Status Hearing is set on 10/2/2014 for filing of the receipts for the blocked accounts that were authorized by the Court.
Hasain Age: 6 years	<p>WEALTHY MACK, maternal great grandmother, is Petitioner.</p> <p>SHAMIKA WILSON, maternal aunt, was appointed Guardian on 2/7/2011.</p> <p>Father: HASAIN MUHAMMAD, SR. Mother: SHAUNTÉ SUZETTE MADDEN</p> <p>Paternal grandfather: Hasaam Muhammad Paternal grandmother: Sherly An Muhammad</p> <p>Maternal grandfather: Patrick Madden, Sr. Maternal grandmother: Janelle Wilson</p> <p>Petitioner states the Guardian is no longer able to care for the children as her health is deteriorating fast due to multiple sclerosis, and she is unable to provide them with a safe home as she allows her newly acquainted men into the home with the children. Petitioner states the Guardian's man friend is a convicted felon and moved in immediately into the home where the children are staying;</p> <p align="center">~Please see additional page~</p>		
Cont. from			<p>1. There is currently no vacancy for a guardian, as Shamika Wilson was appointed as Guardian of the children on 2/7/2011. Petitioner would need to file a petition for removal of the guardian pursuant to Probate Code § 2650, or file a declaration from the current Guardian tendering her resignation as guardian of the children pursuant to Probate Code § 2660.</p> <p>2. Need Notice of Hearing and proof of five (5) court days' notice by personal service of the Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence for:</p> <ul style="list-style-type: none"> Shamika Wilson, Guardian; Shaunté S. Madden, mother; Hasain Muhammad, Sr., father. <p align="center">~Please see additional page~</p>
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	X		
✓ Conf. Screen			
Aff. Posting			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Letters			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: LEG
			Reviewed on: 8/14/14
			Updates:
			Recommendation:
			File 25 – Muhammad & Madden

Petitioner states, continued:

- Less than a month ago, another man moved in to the Guardian's home and the children reported to Petitioner that they saw a video on the Guardian's phone showing the man and the Guardian performing various sex acts;
- The Guardian has allowed the man to roam around the house naked, and when Hasain reported to the Guardian that the man hit him with a belt the Guardian did not believe it;
- Also, the man has a picture of Hasainah in her pajamas on his cell phone which he has shown his friend, and this concerns Petitioner greatly;
- The Guardian has told the children not to report to anyone what goes on in their home and if they do she will call the police and they will be taken away;
- The Guardian yells at the children and tells them she hates them, and calls Hasainah a [curse word omitted], and as a result Hasainah ran away and called Petitioner to go for her, and Petitioner did;
- The Guardian handed Petitioner a handwritten note stating that Petitioner could keep the children for the summer; (*note dated 5/10/2014 attached to Petition*); however, now the Guardian is calling and asking that Petitioner return the children to her immediately or she will call the police on her;
- Petitioner fears for the children's safety because the Guardian is not keeping her psychotherapeutics appointments, and Petitioner is afraid for the children especially because the Guardian states she wants to go join her deceased mother;
- In order to keep the children safe, Petitioner is asking for [temporary guardianship].

Petitioner attaches to the *Petition* a signed handwritten note dated 5/10/2014 stating: "I Shamika T. Wilson legal guardian of Hasainah J. Muhammad am giving legal guardianship to Wealthy M. Mack."

NEEDS/PROBLEMS/COMMENTS, continued:

3. Need UCCJEA form to be filed with the Court showing the children's current and past residences for the last 5 years.